IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 15392 of 2004(G)

PETITIONER:

M/S.MUVATTUPUZHA RUBBER MARKETTING CO-OPERATIVE SOCIETY LTD.NO.3094, REP.BY ITS PRESIDENT.

BY ADV. SRI.M.C.CHERIAN
SMT.ASHA CHERIAN
SRI.E.D.GEORGE
SRI.P.M.SANEER
SMT.SARAMMA CHERIAN

RESPONDENTS:
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1. **KERALA STATE ELECTRICITY BOARD, REP. BY ITS SECRETARY, VYDYUTHI BHAVAN, PATTOM, TRIVANDRUM.**

2. **THE SPECIAL OFFICER(R), KERALA STATE ELECTRICITY BOARD, VYDYUTHI BHAVANAM, PATTOM, TRIVANDRUM.**

3. **THE SECRETARY, MINISTRY OF ELECTRICITY GOVERNMENT OF KERALA, SECRETARIATE, TRIVANDRUM.**

4. **THE CHAIRMAN, KERALA STATE ELECTRICITY BOARD, TRIVANDRUM.**

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 15392/2004 G

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE LETTER NO. HTB/17/1536 DT. 24/08/00 OF THE R2 TO MRM CRUMB RUBBER FACTORY.

EXT.P2. COPY OF THE CERTIFICATE DT. 31/1/02 OF THE DIST.LABOUR OFFICER, ERNAKULAM.

EXT.P3. COPY OF THE JUDGMENT DT. 4/10/02 IN OP NO. 28480/03.

EXT.P4. COPY OF THE REPRESENTATION DT. 1/11/02, OF PETITIONER TO THE R2.

EXT.P5. COPY OF THE JUDGMENT DT. 20/1/04 IN WPC NO. 39072/03.

EXT.P6. COPY OF THE ORDER NO. HTB. 17/1536/04, THIRUVANANTHAPURAM AND 7/4/04 OF THE R2.

EXT.P7. COPY OF THE ORDER DT. 12/5/04 OF ACCOUNTS OFFICER IN THE OFFICE OF R2.

EXT.P8. COPY OF THE LETTER DT. 25/09/02 OF THE FACTORY MANAGER TO EXE. ENGINEER, KSEB.

EXT.P9. COPY OF THE LETTER DT. 17/5/04 OF PETITIONER TO DEPUTY CHIEF ENGINEER, KSEB.

EXT.P10. COPY OF THE MEMORANDUM/REPRESENTATION DT. 17/5/04 OF PETITIONER TO THE MINISTER FOR ELECTRICITY WITH COPIES TO OTHER RESPONDENTS.

EXT.P11. COPY OF THE ADVICE LETTER DT. 20/03/04 OF MRM CRUMB RUBBER FACTORY TO THE R2, REGARDING PAYMENT OF RS. 210899/-

EXT.P12. COPY OF THE DD DT. 2/7/04 FOR REMITTING RS. 40,756 IN THE NAME OF R2.

EXT.P13. COPY OF THE LETTER DT. 2/7/04 OF THE FACTORY MANAGER OF PETITIONER

EXT.P14. COPY OF THE PAYMENT ADVICE DT. 20/3/04 OF MRM CRUMB RUBBER FACTORY TO R2.

EXT.P15. COPY OF THE PAYMENT ADVICE DT. 20/4/04 OF MRM CRUMB RUBBER FACTORY TO THE R2.

EXT.P16. COPY OF THE PAYMENT ADVICE DT. 19/5/04 OF MRM CRUMB RUBBER FACTORY TO R2.

EXT.P17. COPY OF THE PAYMENT ADVICE DT. 17/6/04 OF MRM CRUMB RUBBER FACTORY TO R2.

True copy

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KURIAN JOSEPH J.

W.P.(C) No.15392 of 2004

Dated 13th July, 2007.

J U D G M E N T

The issues raised in the writ petition pertain to (1) refund of certain amounts and (2) the non-liability to pay the energy charges during the period of lock out. It is submitted that action on Exts.P9 and P10 is to be taken by the first respondent, in the light of Ext.P3 judgment. There will be a direction to the first respondent to look into Exts.P9 and P10 with notice to the petitioner and pass appropriate orders thereon in accordance with law, within a period of four months from the date of receipt of a copy of the judgment. The interim order passed by this Court on 24.5.2004 will continue till such time.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 13th July, 2007.